

July 15, 2014

The Grant County Commission met at 8AM with Commissioners Dummann, Forrette, Mann, Stengel and Tucholke present. Chairman Dummann called the meeting to order. Motion by Stengel and seconded by Forrette to approve the minutes of the July 1 and July 8, 2014 meetings. Motion carried 5-0. Minutes filed. Motion by Mann and seconded by Forrette to approve the agenda. Motion carried 5-0.

The Auditor's Account with the Treasurer for the month of June was noted.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners,
Grant County:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of the County of Grant as of the last day of June, 2014

Cash on Hand	\$2,967.08
Checks in Treasurer's possession	
less than 3 days	\$17,452.07
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$20,419.15

RECONCILED CHECKING

First Bank & Trust	\$11,584.09
Credit Card Transactions	\$455.50
First Bank & Trust (Svgs)	\$3,328,738.00

CERTIFICATES OF DEPOSIT

First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$411,655.72

TOTAL CASH ASSETS	\$3,772,852.46
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GENERAL LEDGER CASH BALANCES:

General	\$2,477,099.94
General restricted cash	\$396,152.00
Sp. Revenue	\$76,127.53
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$0.00
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$0.00
TIF Northern Lights	\$411,655.72
Trust & Agency	\$411,817.27

(schools 196,594.03, twps 53,468.69, city/towns
16,439.35)

TOTAL GENERAL LEDGER CASH

\$3,772,852.46

Dated this 3rd day of July, 2014
Karen M Layher
County Auditor

The Sheriff's fees were \$9,304.54 for June with \$2,974.40 receipted into the county general fund.

The Register of Deeds fees for the month of June were \$5,639.50.

The Clerk of Courts remittance fees for the month of June were \$8,122.69.

The statistics for the month of June for the Detention Center and Sheriff's Office are as follows: Average Daily inmate population 5; Number of bookings 27; Work release money collected \$890.00; 24/7 Preliminary Breath Test (PBT) fees collected \$222.00; SCRAM (alcohol detecting bracelet) fees collected \$0.00; 24/7 PBT participants 6; SCRAM (Sobriety Program) participants 4; Calls for Service (does not include walk-in traffic) 79; Accidents investigated 4; Civil papers served 65; Cumulative miles traveled 5,826; 911 calls responded to (including Milbank) 76. The 2nd quarter Visiting Neighbor report was noted.

Members of the public present were Gary Granquist and Nancy Nelson.

Drainage: Chairman Dummann adjourned the Board of Commissioners and convened the commission acting as the Drainage Board.

Permit DR2014-14 for Gary Granquist for the SE1/4 Section 23, Township 119, Range 50 (Stockholm Township). The Drainage Officer reported the adjoining landowner, Marlin Berkner has signed the application. The NRCS letter is on file. This permit connects into an existing tile. The outlet is into a natural run. Motion by Tucholke and seconded by Stengel to approve DR 2014-14. Motion carried 5-0.

Permit DR2014-15 for Gary Granquist in the W1/2SW1/4 Section 13, Township 119, Range 50 (Stockholm Township). The permit will allow the landowner to improve the farmable acres. The outlet is into a natural creek. The NRCS letter is on file. Motion by Stengel and seconded by Tucholke to approve DR2014-15. Motion carried 5-0.

Permit DR2014-16 for Gary Granquist in the N1/2 NW1/4 & N1/2S1/2 NW1/4 Section 32, Township 119, Range 49 (Madison Township) and ROW 2014-17, a right-of-way application to cut through 159th St (AKA County Road 28) for the tiling project. The Drainage officer reported the adjoining landowner's signature has been obtained. The

NRCS letter is on file. The outlet is into a natural run. Motion by Tucholke and seconded by Mann to approve DR 2014 -16. Motion carried 5-0. Motion by Tucholke and seconded by Stengel to approve ROW 2014-17 for applicant Gary Granquist to cut through 159th St (AKA County Road 28) for the placement of a tile for drainage permit DR 2014-16. Motion carried 5-0.

Permit DR2014-17 for Greg Kasuske in the NE1/4 Section 34, Township 121, Range 49 (Kilborn Township). The outlet is into a creek on the landowner's property. The Kilborn Township supervisors have given approval to cross the township road. Motion by Tucholke and seconded by Stengel to approve DR2014-17. Motion carried 5-0.

This concluded the business for the drainage board. Chairman Dummann adjourned the Drainage Board and reconvened the Board of Commissioners.

Highway: Supt Schultz reported the joint project for seal coating with Deuel County began this week with two weeks spent in each county for seal coating. Culvert work is being completed in Madison Township.

BIDS FOR FUEL

DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
06/10	UPI			No Bid
	Cenex			3.42

Cenex was the only bidder at for Diesel at 3.42.

06/18	UPI	No Bid		No Bid
	Cenex	3.37		3.42

Cenex was the only bidder for Ethanol at 3.37 and for Diesel at 3.42.

06/30	UPI	3.303		3.26
	Cenex	3.47		3.42

UPI was the low bidder for Ethanol at 3.303 and for Diesel at 3.26.

County Assistance: Motion by Mann and seconded by Forrette to deny case PR 2014-04. Motion carried 5-0.

Travel: Motion by Tucholke and seconded by Forrette to approve travel for Planning and Zoning Officer Krista Atyeo-Gortmaker to attend a GIS seminar in Mitchell. Motion carried 5-0.

Hospital Bond Hearing: Present were Hospital Administrator Natalie Gauer, NESDHP President Jim Gesswein and Bond Attorney Mark Meierhenry with the Law Firm of Meierhenry Sargent LPP from Sioux Falls. Jim Gesswein thanked the commission for their support of the hospital and clinic building project and

introduced Mr. Meierhenry. He explained under SD Codified Law 7-18-6 and Chapter 9-54, the county has the authority to issue economic development revenue bonds. The NESDHP is requesting the county to authorize the issuance of such bonds for the building of the hospital/clinic project. The hospital building is the collateral for the bonds. The building project qualifies under the IRS code to utilize government bond rates by allowing a government entity to pass on their bonding authority to a qualifying facility to facilitate the financing of the project at a favorable bond rate. This is also called conduit debt. The county does not incur any costs on the issuance of the bonds nor does the conduit debt go against the bonding authority limit of the county. The bonds are repaid by the borrower which is the NESDHP. Mr. Meierhenry asked the commission to consider passing a resolution to allow the issuance of up to \$10,000,000.00 of bonds for the building project. States Attorney Reedstrom stated this is not a new law. This is a commission action that puts into execution what is allowed under state law by allowing the government bond rate for certain types of economic development plans. Motion by Stengel and seconded by Forrette to adopt the following resolution. Motion carried 5-0. Resolution adopted.

RESOLUTION NO. 2014-30

RESOLUTION AUTHORIZING THE ISSUANCE OF ECONOMIC DEVELOPMENT REVENUE BONDS, (NORTHEAST SOUTH DAKOTA HEALTH PLAN) SERIES 2014, GRANT COUNTY, SOUTH DAKOTA, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000, TO BE LOANED TO NORTHEAST SOUTH DAKOTA HEALTH PLAN, A NONPROFIT CORPORATION, TO PROVIDE FUNDS TO FINANCE THE CONSTRUCTION OF A 73,000 SQUARE FOOT HOSPITAL AND CLINIC, APPROVING AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING TO THE BONDS; APPROVING AND AUTHORIZING THE EXECUTION OF THE DOCUMENTS AND THE BONDS; AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN RELATED DOCUMENTS.

WHEREAS, notice of hearing was published in the local newspaper more than 14 days prior to the hearing in accordance with Section 147(f) of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, a public hearing was held this July 15, 2014, providing an opportunity to hear public comment on the request by Northeast South Dakota Health Plan ("Borrower"), for the issuance by the County of its Bonds, in one or more series, in the maximum aggregate principal dollar amount of not to exceed \$10,000,000 (the "Bonds");

WHEREAS, the County Commission has heard comment and determines that it in the best interest of the County to issue the Bonds.

BE IT RESOLVED by County Commissioners of Grant County, South Dakota (the "County"), as follows:

Section 1. Authority. The County is authorized pursuant to the Constitution and laws of the State of South Dakota, including South Dakota Codified Laws Section 7-18-16 and Chapter 9-54, as amended (the "Act"), in order to promote, stimulate and develop the general economic welfare and prosperity of Grant County (the "County") and of the State of South Dakota (the "State") through the promotion and advancement of commercial and industrial development and to encourage and assist in the expansion of business in the County and State by providing greater employment opportunities, thus promoting the general welfare of the citizens of the County and State, it is necessary and advisable and in the best interest of the County and State to issue bonds for the purpose of providing funds to finance construction of a 73,000 square foot hospital and clinic building to be owned by Northeast South Dakota Health Plan, Milbank, Grant County, South Dakota (the "Project").

Section 2. Declaration of Necessity. The County hereby declares a necessity and determines that it is desirable and expedient to and does hereby authorize the issuance of the Bonds of the County pursuant to the Act to provide funds to enable Northeast South Dakota Health Plan (the "Borrower") to construct and equip the Project.

Section 3. Documents. The following documents collectively referred to as the "Documents" relating to the Bonds are hereby approved and shall be filed when in final form in the office of the County Auditor and open to public inspection, and are incorporated herein as if stated in full:

Loan Agreement. The Loan Agreement, (the "Loan Agreement"), between the County and Borrower, shall provide for the pledging of the loan payments thereunder for security of the Bonds.

Mortgage. A 180 Day Redemption Mortgage on the Project.

Bonds. The County shall issue, in an amount not to exceed \$10,000,000 Economic Development Revenue Bonds (Northeast South Dakota Health Plan) Series 2014 (the "Bonds"), dated in 2014. The Bond form and the Bonds are, in all respects, hereby authorized, approved and confirmed, and the Chairman, Finance Officer and other appropriate officials shall be and they are hereby authorized and directed to execute and seal the Bonds and to deliver the Bonds to the purchasers thereof upon receipt of the purchase price, and to deposit the proceeds thereof in the manner provided for by the Loan Agreement.

Bond Purchase Agreement. The Bond Purchase Agreement (the "Bond Purchase Agreement") shall provide the terms of the purchase of the Bonds.

Related Documents. Collectively, all other documents that may be required by the purchaser of the Bonds or bond counsel for the completion of the transaction (the "Related Documents") are, in all respects, hereby authorized, approved and confirmed, and the

Chairman, Finance Officer and other appropriate officials shall be and they are hereby authorized and directed to execute and seal the same.

Section 4. Limited Obligations and Pledge. The Bonds, together with the interest thereon, shall be limited obligations of the County payable solely out of the payments, revenues and receipts received by the County pursuant to the Loan Agreement, which payments, revenues and receipts are hereby pledged and assigned for the equal and ratable payments of the Bonds and shall be used for no other purpose than to pay the principal of and interest on the Bonds, except as may be otherwise expressly authorized in the Loan Agreement. The Bonds and the interest thereon shall not constitute an indebtedness of the County within the meaning of Article XIII Section 4 or any statutory limitation and shall not constitute or give rise to a pecuniary liability of the County or its officers, agents or employees, or a charge against the County's general credit or taxing power.

Section 5. Registration Records. The County, as registrar, shall keep registration records which shall set forth the name and registered address of the registered owner of the Bonds from time to time. Transfer of ownership of the Bonds shall be reflected in such registration records, as provided herein. The County shall comply with the provisions of Section 149 of the Internal Revenue Code.

Section 6. Authorization to Execute and Deliver. The Chairman, County Auditor, County State's Attorney and other County officials shall be and they are hereby authorized to execute and deliver for and on behalf of the County any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the matters herein authorized.

Section 7. No Allocation Requirement. The County finds that the Bonds will be 501(c)(3) bonds and will not require allocation of volume cap.

Section 8. Tax Exempt Obligation and Bank Qualified designation. The County hereby designates the Bonds as "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended. The County does not expect to issue more than \$10,000,000 of obligations eligible to be designated as "qualified tax-exempt obligations" during calendar year 2014.

Section 9. Borrower Reliance. The Borrower may proceed with the acquisition, construction, installation and equipping of the Project in reliance on this Resolution.

Section 10. Partial Invalidity. If any one or more of the provisions of this Resolution shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

July 15, 2014.

Paul Dummann
Chairman

ATTEST:
Karen M Layher
County Auditor

Executive Session: Motion by Forrette and seconded by Stengel to enter into executive session at 9:10 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Auditor Layher, States Attorney Reedstrom and Sheriff Owen were present. Chairman Dummann declared the meeting open to the public at 9:30 AM. No action taken as a result of the executive session.

Executive Session: Motion by Forrette and seconded by Mann to enter into executive session at 9:31 AM for the purpose of pending litigation issue pursuant to SDCL 1-25-2 (3). Motion carried 5-0. Auditor Layher, States Attorney Reedstrom and P & Z Officer Atyeo-Gortmaker were present. Chairman Dummann declared the meeting open to the public at 9:46 AM. No action taken as a result of the executive session.

VSO: Scott Malimanek reported on the open houses he has held for the program “Reaching All Veterans”. He has been contacting the veterans in the county to invite them to the open houses and to discuss the VA programs available. He also stated he attended the opening ceremony for the Codington County Veterans Court, which is a pilot program to assist the veteran in finding appropriate programs for assistance and meeting the obligations of the court system.

Shelter Grant: Present were EM Director Sheryl Ward, Ken Dahlgren, Riggins Trailer Park Manager and Ted Haeder with First District of Local Government. Ted reported the deadline to apply for the Haz Mat grant for shelter funding is August 15. The request for a storm shelter is from mobile home park owner Ken Dahlgren for a shelter and bathroom facility to be available for the mobile home park and area residents as well as individuals who are using the bike paths. The approximate size of the building is 24 X 30 with an approximate cost of \$150,000. The grant does require a 25% match which Mr. Dahlgren has agreed to provide. The county would not be using any county funds to build the structure, but the project funding does need to be managed by the county. Ted has asked for clarification from the federal grant program administrator if the county can pass the ownership of the shelter to the trailer park management once the construction is completed. The commission needs to appoint an applicant agent to submit with the grant application. A previous motion had been passed to approve applying for the grant. Motion by Tucholke and seconded by Stengel to approve the applicant agent resolution. Motion carried 5-0. Resolution adopted.

2014-31
RESOLUTION
APPOINTMENT OF APPLICANT AGENT
For the
Hazard Mitigation Grant Program (HMGP)

WHEREAS, the Grant County Commission (Applicant) is submitting a Hazard Mitigation Grant project to the Federal Emergency Management Agency and the State of South Dakota; and

WHEREAS, the Grant County Commission (Applicant) is required to appoint an Applicant Agent for the purpose of signing documents and assuring the completion of all application documents;

NOW THEREFORE BE IT RESOLVED that the Grant County Commission (Applicant) appoints Emergency Manager Sheryl Ward as the authorized Applicant Agent.

Dated this 15th day of July, 2014.

Paul Dumann, Chairman

Haul Roads: Present were David Kruger, Kilborn Township Supervisor and Luke Muller from First District. Luke explained the zoning ordinance identifies certain uses which require haul road agreements as a condition of approval for a conditional use permit and those are for wind energy systems and gravel pits. Also, a CAFO permit requires the township officials to be notified. Currently the Planning and Zoning Board has the option to add conditions to a conditional use permit. He informed the commission there were two ways for the commission to consider amending the zoning ordinance for haul road agreements. One way would be to amend the ordinance with language on what should be included in a haul road agreement or the commission could adopt a resolution to prescribe a procedural guideline for when and how to require and mediate haul road agreements. The commission asked Luke to work on preparing the resolution for the procedural guideline for the next commission meeting.

Consent Agenda: Motion by Mann and seconded by Stengel to approve the consent agenda. Motion carried 5-0.

1. Approve plats:

2014-32
COUNTY COMMISSION RESOLUTION

Lot 1, Dimberg Subdivision, located in the NE ¼ NW ¼ Section 19, Township 121 North, Range 46 West of the 5th P.M., Grant County, South Dakota as described above and hereon be approved and accepted and the Chairman is hereby instructed

to endorse on such plat this resolution and to certify the same. (Big Stone Township)

Paul Dumann
Chairman, Board of Commissioners
Grant County, South Dakota

2014-33

RESOLUTION

BE IT RESOLVED by the Board of County Commissioners of Grant County, South Dakota, that the plat entitled: "Laramie Peiker Addition located in the Northeast Quarter of Section 6, Township 118 North, Range 48 West of the 5th P.M., Grant County, South Dakota", which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated at Milbank, South Dakota, this 15th day of July, 2014.

Paul Dumann, Chairman,
Board of County Commissioners
Grant County, South Dakota

ATTEST:

Karen M. Layher
County Auditor
Grant County, South Dakota

2014-34

RESOLUTION

BE IT RESOLVED by the Board of County Commissioners of Grant County, South Dakota, that the plat entitled: "Peiker Addition located in the Northeast Quarter of Section 7, Township 118 North, Range 48 West of the 5th P.M., Grant County, South Dakota", which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated at Milbank, South Dakota, this 15th day of July, 2014.

Paul Dumann, Chairman
Board of County Commissioners
Grant County, South Dakota

ATTEST:

Karen M. Layher
County Auditor
Grant County, South Dakota

2014-35

COUNTY COMMISSION RESOLUTION

Lot 2 Neal Mielitz Subdivision located in the NE ¼ SE ¼ and E ½ W ½ SE ¼ NE ¼ of Section 17, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota as described above and hereon be approved and accepted and the Chairman is hereby instructed to endorse on such plat this resolution and to certify the same.

Paul Dumann
Chairman, Board of Commissioners
Grant County, South Dakota

2. Declare surplus library materials of books and audio materials for the months of April, May and June 2014

Claims: Motion by Mann and seconded by Stengel to approve the claims as presented. Motion carried 5-0. AVERA-MILBANK HOSPITAL, lab 410.00; AVERA QUEEN OF PEACE, prof serv 267.70; BAKER & TAYLOR, supplies 206.85; CENTER POINT, books 298.98; CENTURYLINK, phone 585.63; DAY CO SHERIFFS OFFICE, prisoner care 240.00; EASTSIDE CAR WASH, part & car wash 183.52; G & R CONTROLS, maint 2,045.50; GLOBAL GOVT, computer supplies 114.27; GRANT CO SHERIFF DEPT, postage 14.00; GRANT CO TREASURER, postage 112.00; GRANT CO REVIEW, publish 16.50; HARTMAN'S, groceries for prisoners 293.59; HUMAN SERVICE AGENCY, 3rd qtr alloca 6,623.00; INTER-LAKES COM ACT, worker 1,950.67; LEWIS & CLARK BEHAVIORAL, prof serv 160.00; MICROFILM IMAGING, maint & rental 4,555.00; NORTHWESTERN ENERGY, nat gas 103.60; OFFICE PEEPS, supplies 56.21; OTTER TAIL POWER CO, electricity 2,895.83; THE PENWORTHY CO, books 173.62; RC COMMUNICATIONS, 911 & tower rent 95.96; SD ASSN CO COMM, CLERP 1,839.19; SD DEPT OF REVENUE, lab 35.00; SDAAO, regis 600.00; ST WILLIAMS, laundry 146.70; CONSTANCE STOEBNER, prof serv 12.00; QUICK PRO LUBE, oil chg 75.97; TREVETT'S CAFÉ, prisoner meals 225.75; TYLER COMPUTER, supplies 108.00; TYLER TECHNOLOGIES, prof serv 3,075.25; VERIZON, phone 96.90; CITY OF WATERTOWN, 911 surcharge 6,412.40; WHETSTONE VALLEY ELECTRIC, electricity 230.52; XEROX, copier rent 240.93. TOTALS: \$34,501.04.

It is the policy of Grant County, South Dakota, not to discriminate against the handicapped in employment or the provision of service.

The next scheduled meeting dates will be August 5 and 19, 2014 at 8AM. Motion by Forrette and seconded by Mann to adjourn the meeting, motion carried 5-0. Meeting adjourned.

Karen M. Layer, Grant County Auditor

Paul Dummann, Chairman, Grant County Comm.